

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

v.

CR 16-3502 JCH

BRIAN ADRIAN SLOAN,

Defendant.

ORDER DENYING DEFENDANT'S EMERGENCY MOTION

THIS MATTER is before the Court on Defendant's Emergency Motion for Ten-Hour Furlough for the Purpose of Preserving Veteran's Administration Disability Benefits (*Doc. 35*), filed this morning at 10:45 AM. The Court has reviewed the motion and the Government's response in opposition, and further finds that a hearing is not required for its decision.

By letter dated November 29, 2016, Defendant Sloan was notified that he is scheduled for periodic examination relating to his Compensation and Pension Benefits claims tomorrow, December 30, 2016 at 10:00 AM, at the New Mexico Veteran's Administration Health Care System here in Albuquerque. He requests release to his wife for transport to the appointment from the facility where he is detained and return to custody within ten hours. Alternatively, he requests such transport the appointment by the United States Marshal Service (USMS).

If this is indeed an "emergency" situation, it is one of Defendant's making. The Court notes that the motion seeks relief in less than 24 hours from its filing while notice

of the appointment was provided a full month ago. *Doc. 35-2*. That notice also indicated that if unable to attend the examination, the Defendant was to cancel 24 hours prior to the appointment so it could presumably be rescheduled. The Court further observes that even if the USMS could possibly perform the transport, such a request would come far too late to accomplish the necessary logistics. Therefore, the motion will be denied.

IT IS SO ORDERED.


UNITED STATES CHIEF MAGISTRATE JUDGE